



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
239 Causeway Street, Suite 500, 5th Floor, Boston, MA 02114

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417A & B
May 2, 2012
AGENDA

8:00 a.m.

Call to Order

A. Approval of Minutes of the Meeting of April 4, 2012

B. Administrative Matters

- Update on AADB Meeting
- NERB Continuing Education Correspondence
- NERB Consultant Examiners

8:20 a.m.

C. Adjudicatory and M.G.L.c.112, §65C Sessions (Closed to the public)

8:55 a.m.

D. Complaint Resolution—Pending Board Cases—Eileen Mulligan

- In the Matter of DEN-2010-0118: Dr. W. David Kelly
- In the Matter of DEN-2010-0136: Dr. Sylvester Maloney
- In the Matter of DEN-2010-0137: Dr. Martin Keane
- In the Matter of DEN-2010-0153: Dr. Peter Wright

E. Complaint Resolution—Pending Board Cases—Sarah Millar

- In the Matter of SA-INV-2479: Jessica Walsh, RDH
- In the Matter of SA-INV-2423: BU Goldman School of Dental Medicine
- In the Matter of DEN-2011-0165: Dr. Joseph Giangrasso
- In the Matter of DEN-2011-0166: Dr. Sarah Shih
- In the Matter of DEN-2011-0190: Dr. Sridevi Bopanna
- In the Matter of DEN-2010-0121: Dr. Greg Rosenblatt

F. Complaint Resolution—Pending Board Cases—Kathleen O'Connell

- In the Matter of SA-INV-2528: Dr. Sandra Ameri
- In the Matter of SA-INV-2550: Dr. Alan Derkazarian

--In the Matter of SA-INV-2558: Dr. Howard Levine
--In the Matter of DEN-2010-0105: Dr. Loay Hammad
--In the Matter of DEN-2010-0140: Dr. Rashmi Vasudeva
--In the Matter of DEN-2010-0162: Dr. Daniel O'Brien

G. Complaint Resolution—Pending Board Cases—Kathy Perault

--In the Matter of SA-INV-2272: Dr. Daniel Kazachkou
--In the Matter of SA-INV-2279: Dr. Patrick Dermesropian
--In the Matter of SA-INV-2322: Dr. Stephen Abramowitz
--In the Matter of SA-INV-2377: Dr. Jennifer Kuchar
--In the Matter of SA-INV-2385: Dr. Verne Goldsher
--In the Matter of SA-INV-2421: BU Goldman School of Dental Medicine
--In the Matter of SA-INV-2482: Dr. Larry Burt
--In the Matter of DEN-2011-0125: Dr. Mouhab Rizkallah
--In the Matter of DEN-2012-0029: Shannon LeBeouf Roy, RDH
--In the Matter of DEN-2012-0030: Dr. Joseph Deprimio

H. Request for Reconsideration –Board Counsel Marsha Bird

--In the Matter of DEN-2011-0066: Dr. Elliot Paul Schlang

I. Unlicensed Practice Due to Late Renewal—Board Counsel M. Bird

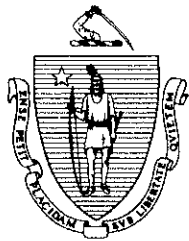
--In the Matter of DEN-2012-0035: Lidia Medeiros, RDH

J. Employer-Dentist of Late-Renewed Dental Hygienist—Board Counsel

--In the Matter of DEN-2012-0045: Dr. John Benecchi

Adjournment

NEXT MEETING: June 6, 2012



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MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417 A & B
May 2, 2012
GENERAL SESSION MINUTES

Board Members Present: Dr. Mina Paul, Chair; Dr. Roderick Lewin, Secretary; Dr. Milton Glicksman; Dr. John Hsu (entered at 8:55 a.m.); Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, Ward Cromer, Ph.D. CPHQ; Ms. Diane Grondin, CDA Advisor

Staff Members Present: Jeffrey Mills, Assistant Executive Director; Marsha Bird, Board Counsel; Jean Pontikas, Director DHPL; Eugene Langner, Prosecuting Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; Investigators Sarah Millar, Kathleen O'Connell, and Kathy Perault; Rosie Rogers, Administrative Assistant; Erin Belitskus.

Staff Member Absent: Kathleen Atkinson, Executive Director.

Motion: To commence meeting at 8:00 a.m.

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Vote: Unanimous

Approval of Minutes of April 4, 2012, Meeting

Motion: To approve minutes of April 4, 2012, General Session, as amended.

Motion Made By: Dr. Milton Glicksman

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Second: Ms. Lois Sobel

Vote: Unanimous

Motion: **To approve minutes of April, 2012, M. G. L. c. 112, §65C Session.**

Motion Made By: Ms. Lois Sobel

Second: Dr. Roderick Lewin

Vote: Unanimous

Motion: **To approve minutes of April 4, 2012, Executive Session.**

Motion Made By: Dr. Roderick Lewin

Second: Ms. Lois Sobel

Vote: Unanimous

Motion: **To Enter Adjudicatory Session at 8:05 a.m.**

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Vote: **Yea:** Dr. Milton Glicksman; Dr. Roderick Lewin, Secretary; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, PhD.

Abstain: Dr. Mina Paul, Chair

Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To Leave Adjudicatory Session at 8:10 a.m.**

Motion Made By: Ms. Lois Sobel

Second: Dr. Cynthia Stevens

Vote: **Yea:** Dr. Milton Glicksman; Dr. Roderick Lewin, Secretary; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, PhD.

Abstain: Dr. Mina Paul, Chair

Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: To Enter M.G.L.c.112, §65C Session at 8:10 a.m.

Motion Made By: Ms. Lois Sobel

Second: Dr. Cynthia Stevens

Vote: **Yea:** Dr. Milton Glicksman; Dr. Roderick Lewin, Secretary; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, PhD.
Abstain: Dr. Mina Paul, Chair
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: To Leave M.G.L.c.112, §65C Session at 8:25 a.m.

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Vote: **Yea:** Dr. Milton Glicksman; Dr. Roderick Lewin, Secretary; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, PhD.
Abstain: Dr. Mina Paul, Chair
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: To Enter General Session at 8:25 a.m.

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Ailish Wilkie

Vote: Unanimous

Motion: To re-order agenda at 8:30 a.m. after 5 minutes break.

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Ailish Wilkie

Vote: Unanimous

Administrative Matters

--Update on AADB Meeting

Chair Dr. Mina Paul, Dr. Milton Glicksman, and Dr. Cynthia Stevens attended. Topics of discussion included prescription monitoring programs, D-PREP, PACE/CERP continuing education, and policies regarding dental product corporations offering continuing education. Dr. Stevens serves on the Joint Commission of the National Board and reported that there was good statistical information presented at their meeting. Pass/Fail scoring for Parts I and II of the exams is now in effect. The plan, beginning in 2017, is to have National Board exams taken during the third and fourth years of the dental degree program.

--NERB Continuing Education Correspondence

A letter to NERB drafted by Executive Director Kathleen Atkinson was presented. The letter approves NERB offering dental and dental hygiene CEUs to licensees who participate in the development and administration of dental and dental hygiene licensing examinations. The Board, by unanimous vote, authorized Ms. Atkinson to send the letter as drafted.

--NERB Consultant Examiners

A memo to state boards from NERB was shared. At present, NERB will not be asking boards for recommendations of additional consultant examiners.

--Update on Working Groups

Assistant Executive Director Jeffrey Mills noted that additional recent information from other state boards has been received by staff. The working group on the administration of botulinum toxin and dermal fillers by licensed dentists and the working group on the use of lasers by dental professionals will convene again to review this new data. The working groups will then be invited to attend a future Board meeting to present their recommendations on these topics to the Board.

Complaint Resolution—Pending Board Cases

Investigators presented their previously distributed Investigative Reports, together with relevant clarifications and supplemental information as necessary.

Dr. John Hsu entered the meeting during the presentation of the following matter.

--In the Matter of DEN-2010-0118: Dr. W. David Kelly

Allegation: Business Practice Issues

Motion: To offer Stayed Probation for three months, to include the following Continuing Education:
Full Day: Risk Management
Half Day: Record Keeping

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

Rescused: Dr. Roderick Lewin

Justification: • Licensee failed to meet the standard of care by failing to confirm which teeth of minor patient required extraction and extracted the incorrect teeth.

Motion: To open a complaint against Dr. Gregory Livanos.

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Lois Sobel

Vote: Unanimous

Recused: Dr. Roderick Lewin

Dr. Roderick Lewin returned to the meeting.

--In the Matter of DEN-2010-0136: Dr. Sylvester Maloney

Allegations: Inferior treatment and fraud

Motion: To offer Stayed Probation for one year, and to include the following Continuing Education:
Full Day: Risk Management
Full Day: Record Keeping
Also, to complete continuing education credits required for license renewal for the 2008-2009, March 31, 2012 renewal cycle.

Motion Made By: Dr. Cynthia Stevens

Second: Dr. John Hsu

Vote: Unanimous

Justification:

- Licensee violated M.G. L. c. 112, § 51A and 234 CMR 5.01, by failing to complete continuing education required for license renewal.
- Licensee violated 234 CMR 5.02 (2) (b) by signing under pains and penalties of perjury that continuing education requirement for license

--In the Matter of DEN-2010-0137: Dr. Martin Keane

Allegations: Inferior treatment and negligence

Motion: To offer Stayed Probation for six months, to include the following Continuing Education:
Full Day: Risk Management
Full Day: Record Keeping

Motion Made By: Dr. John Hsu

Second: Dr. Milton Glicksman

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 9.05 (14), by extracting the wrong deciduous molar..
- Licensee violated 234 CMR 5.15, by failing to properly document the patient record, including but not limited to: obtain specific informed consent prior to extraction of the tooth and administration of Nitrous Oxide-oxygen and failure to document administration of local anesthesia at any time in the dental record.
- Licensee violated 234 CMR 6.15, by failing to utilize an anesthesia chart while administering Nitrous Oxide-oxygen.

--In the Matter of DEN-2010-0153: Dr. Peter Wright

Allegation: The complainant alleges: "assertive and demeaning behavior towards a minor patient" during the extraction of two deciduous teeth

Motion: To dismiss with an advisory letter regarding the requirement to comply with Board Regulation at 324 CMR 5.15, Content of Patient Records.

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Motion Made By: Dr. Milton Glicksman
Second: Dr. John Hsu
Vote: Unanimous

--In the Matter of SA-INV-2479: Jessica Walsh, RDH

Allegation: General practice standards regarding access to confidential medical records
Motion: To not open as a formal complaint.
Motion Made By: Dr. John Hsu
Second: Dr. Milton Glicksman
Vote: Unanimous

--In the Matter of SA-INV-2423: BU Goldman School of Dental Medicine

Allegation: Inferior treatment
Motion: To not open as a formal complaint.
Motion Made By: Dr. Milton Glicksman
Second: Dr. Cynthia Stevens
Vote: Unanimous

--In the Matter of DEN-2011-0165: Dr. Joseph Giangrosso

Allegations: Inferior treatment and business practice issues
Motion: To dismiss with an advisory letter regarding compliance with Board Regulation at 234 CMR 5.15, Content of Patient Records and recommend Licensee complete continuing education in recordkeeping and risk management.
Motion Made By: Dr. Milton Glicksman
Second: Dr. Cynthia Stevens
Vote: Unanimous

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Recused: Ms. Ailish Wilkie

Ms. Ailish Wilkie returned to the meeting.

--In the Matter of DEN-2011-0166: Dr. Sarah Shih

Allegations: Misdiagnosis, inferior treatment, and business practice issues

Motion: **To dismiss with an advisory letter regarding compliance with Board Regulation at 234 CMR 5.15, Content of Patient Records.**

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

--In the Matter of DEN-2011-0190: Dr. Sridevi Boppana

Allegation: Inferior treatment

Motion: **To dismiss with an advisory letter regarding compliance with Board Regulation at 234 CMR 5.15, Content of Patient Records.**

Motion Made By: Ms. Lois Sobel

Second: Dr. Milton Glicksman

Vote: Unanimous

--In the Matter of DEN-2010-0121: Dr. Greg Rosenblatt

Allegations: Misdiagnosis, and Inferior treatment

Motion: **To dismiss with an advisory letter regarding compliance with Board Regulation at 234 CMR 5.15, Content of Patient Records.**

Motion Made By: Dr. Milton Glicksman

Second: Ms. Lois Sobel

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Vote: Unanimous

--In the Matter of SA-INV-2528: Dr. Sandra Ameri

Allegations: Infection control violations, unethical conduct, and business practice issues

Motion: To not open as a complaint.

Motion Made By: Dr. Cynthia Stevens

Second: Dr. John Hsu

Vote: Unanimous

Recused: Dr. Milton Glicksman

--In the Matter of SA-INV-2550: Dr. Alan Derkazarian

Allegations: Infection control, anesthesia and other regulatory violations

Motion: To not open as a complaint.

Motion Made By: Dr. Cynthia Stevens

Second: Dr. John Hsu

Vote: Unanimous

Recused: Dr. Milton Glicksman and Dr. Roderick Lewin

--In the Matter of SA-INV-2558: Dr. Howard Levine

Allegations: Infection control, anesthesia and other regulations

Motion: To not open as a complaint.

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

Recused: Dr. Milton Glicksman and Dr. Roderick Lewin

Dr. Milton Glicksman and Dr. Roderick Lewin returned to the meeting.

--In the Matter of DEN-2010-0105: Dr. Loay Hammad

Allegation: Inferior treatment

Motion: To dismiss with an advisory letter regarding compliance with Board Regulation at 234 CMR 5.15, Content of Patient Records.

Motion Made By: Dr. Milton Glicksman

Second: Ms. Lois Sobel

Vote: Unanimous

--In the Matter of DEN-2010-0140: Dr. Rashmi Vasudeva

Allegations: Inferior treatment

Motion: To amend terms of probation to require licensee to complete a full day course in Third Party Billing.

Motion Made By: Dr. John Hsu

Second: Dr. Milton Glicksman

Vote: Unanimous

Justification: • Licensee improperly billed MassHealth for a Palliative Emergency Exam when the treatment provided related to the fabrication of upper and lower dentures.

--In the Matter of DEN-2010-0162: Dr. Daniel O'Brien

Allegations: Failure to adhere to the standard of practice, patient abuse, and neglect

Motion: To offer Stayed Probation for six months, and to include the following Continuing Education:
Full Day: Risk Management
Full Day: Record Keeping
Full Day: Administration of Nitrous Oxide-oxygen

Motion Made By: Dr. Milton Glicksman

Second: Ms. Ailish Wilkie

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.15 provide patient with a written treatment plan and information regarding estimated fees.
- Licensee violated 234 CMR 6.11 (5) (c) by failing to use an anesthesia chart during the administration of Nitrous Oxide-oxygen.

--In the Matter of SA-INV-2272: Dr. Daniel Kazachkov

Allegations: Misdiagnosis of condition and inferior treatment

Motion: **To not open as a complaint.**

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote: Unanimous

--In the Matter of SA-INV-2279: Dr. Patrick Dermesropian

Allegations: Abandonment, Inferior treatment, and business practice issues

Motion: **To open as a formal complaint.**

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote: Unanimous

Motion: **To open a complaint against Dr. Susana Moon Cho.**

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote: Unanimous

Motion: **To open a staff assignment against Dr. Rakesh Somanathan.**

Motion Made By: Dr. Milton Glicksman

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Second: Dr. John Hsu

Vote: Unanimous

Motion: **To open a complaint against Dr. Carol Dermesropian.**

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote: Unanimous

--In the Matter of SA-INV-2322: Dr. Stephen Abramowitz

Allegations: Misdiagnosis and abandonment

Motion: **To open as a formal complaint.**

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote: Unanimous

--In the Matter of SA-INV-2377: Dr. Jennifer Kuchar

Allegations: Inferior treatment and unable to obtain records

Motion: **To not open a formal complaint and send an advisory letter regarding compliance with Board Regulation at 234 CMR 5.15, Content of Patient Records.**

Motion Made By: Dr. Milton Glicksman

Second: Ms. Ailish Wilkie

Vote: Unanimous

--In the Matter of SA-INV-2385: Dr. Verne Goldsher

Allegations: Abandonment and business practice issues

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Motion: To not open a formal complaint, but to send an advisory letter regarding the need to prepare a treatment plan.

Motion Made By: Ms. Lois Sobel

Second: Dr. Cynthia Stevens

Vote: Unanimous

Recused: Dr. Roderick Lewin

Dr. Roderick Lewin returned to the meeting.

--In the Matter of SA-INV-2421: BU Goldman School of Dental Medicine

Allegation: Inferior treatment

Motion: To not open as a complaint.

Motion Made By: Dr. John Hsu

Second: Dr. Milton Glicksman

Vote: Unanimous

--In the Matter of SA-INV-2482: Dr. Larry Burt

Allegation: Business practice issues

Motion: To not open as a complaint.

Motion Made By: Dr. John Hsu

Second: Dr. Roderick Lewin

Vote: Unanimous

--In the Matter of DEN-2011-0125: Dr. Mouhab Rizkallah

Allegations: Dishonest conduct and advertizing violation

Motion: To dismissal with an advisory letter stating that public materials distributed by Licensee should not indicate that he is a Board Certified Orthodontist.

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Motion Made By: Dr. Roderick Lewin
Second: Dr. John Hsu
Vote: Unanimous

--In the Matter of DEN-2012-0029: Shannon LeBeouf Roy, RDH

Allegations: Failure to renew her dental hygiene license and practiced with a expired license

Motion: To offer Suspension for one year, to include completion of continuing education credits required for license renewal for each cycle during which the licensee failed to renew her license to practice dental hygiene. Board will accept and apply CEUs earned for Dental Hygiene Refresher Course to license renewal cycle 2009-2010, Renewal Date March 31, 2011.

Motion Made By: Ms. Ailish Wilkie
Second: Ms. Lois Sobel
Vote: Unanimous

Justification:

- M.G. L. c. 112, §51 and 234 CMR 4.10 (2) Failure to Renew License to Practice Dental Hygiene
- M. G. L. c. 112, §52 and 234 CMR 9.05 (6) Practice with an Expired Dental Hygiene License
- Licensee violated M.G. L. c. 112, § 51A and 234 CMR 8.02 (3), by failing to complete continuing education required for license renewal.

--In the Matter of DEN-2012-0030: Dr. Joseph Deprimio

Motion: To offer Stayed Probation for six months, and to include the following Continuing Education:
Full Day: Risk Management
Full Day: Infection Control for the Dental Office

Motion Made By: Dr. Milton Glicksman
Second: Ms. Lois Sobel
Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to: failure to maintain a Spore Test Log; failure to use barrier protection; and, a failure to sterilize models prior to sending those to dental labs.

Request for Reconsideration –Board Counsel Marsha Bird

--In the Matter of DEN-2011-0066: Dr. Elliot Paul Schlang

Motion: To dismiss without prejudice.

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Lois Sobel

Vote: Unanimous

Unlicensed Practice Due to Late Renewal—Board Counsel M. Bird

--In the Matter of DEN-2012-0035: Lidia Medeiros, RDH

Allegations: Failure to renew license to practice dental hygiene, practiced with an expired license, and failure to notify of address change with thirty days

Motion: To Reprimand licensee for failing to renew her license to practice dental hygiene by March 31, 2011 and practicing with an expired license.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. John Hsu

Vote: Unanimous

Justification:

- Licensee violated M.G. L. c. 112, §51 and 234 CMR 4.10 (2) Failure to Renew License to Practice Dental Hygiene.
- Licensee violated M. G. L. c. 112, §52 and 234 CMR 9.05 (6) Practice with an Expired Dental Hygiene License.
- Licensee violated 234 CMR 4.11(1), by failing to notify the Board of her change of address within thirty (30) days of such change.

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Employer-Dentist of Late-Renewed Dental Hygienist—Board Counsel

--In the Matter of DEN-2012-0045: Dr. John Benecchi

Motion: To dismiss matter with an advisory regarding licensee's duty to ensure that all licensed professional in his practice maintain current and valid licenses.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. John Hsu

Vote: Unanimous

Motion: To adjourn the meeting at 10:55 a.m.

Motion Made By: Dr. John Hsu

Second: Ms. Lois Sobel

Vote: Unanimous

Respectfully submitted,


Dr. Roderick Lewin, Secretary

Date: 7/18/12